

# **Defense Logistics Agency**

## **Equal Employment Opportunity (EEO)**

### **EEO Complaint Process**

It is the policy of the Defense Logistics Agency (DLA) to provide a workplace free from unlawful discrimination and harassment. DLA has a zero tolerance policy regarding sexual harassment. Any DLA employee, regardless of their duty station, who believes he or she is a victim of unlawful discrimination, has the right to file a complaint of employment discrimination. Any applicant for employment has that same right. Therefore, discrimination on the basis of race, color, religion, national origin, sex, age, disability, reprisal (for prior participation in the EEO process) is prohibited.

#### **Informal or Pre-Complaint Process**

Any employee or an applicant seeking employment with DLA who feels that he or she may have been discriminated against on the basis of their race, color, religion, national origin, sex, age, disability, reprisal (for prior participation in the EEO process), may file an informal complaint of discrimination by contacting the EEO Office servicing the location of their employment or prospective employment. A list of those offices can be found at the end of this document.

The complainant must make initial contact with an EEO Office within 45 days of the date of the alleged discriminatory event, or personnel action. An EEO counselor will be assigned to conduct initial interviews to determine the basis for discrimination and the issues involved. EEO counselors explain the steps in the process to the aggrieved person.

The EEO counselor will provide written documentation explaining the complainant's rights and responsibilities regarding: Equal Employment Opportunity and DLA's Alternative Dispute Resolution (ADR) program, ReSOLVE. ReSOLVE stands for Reach Equitable Solutions Voluntarily and Easily. The EEO counselor will advise the complainant of his or her right to elect the ADR process or the traditional EEO counseling process. EEO counseling will begin within thirty (30) calendar days from the date of the initial contact with the complainant in an attempt to resolve the matter informally. However, EEO counseling may be extended upon an agreement by both, the servicing EEO Office and the complainant, up to an additional sixty (60) calendar days, if more time is needed to achieve a resolution.

## **Formal Process**

If all attempts at an informal resolution have failed, the complainant may exercise his or her rights by filing a formal EEO complaint with the servicing EEO Office. A formal EEO complaint must be filed in writing and signed by the complainant within fifteen (15) calendar days of receiving the "Notice of Right to File a Discrimination Complaint." The DLA Form 1808 is given to the aggrieved employee/applicant for employment by the EEO Counselor with this notice. The DLA Form 1808 should be completed and mailed to the servicing EEO Office. That address is contained in the aforementioned Notice. A formal complaint can also be a written statement, as long as it is sufficiently precise to identify the complainant, the organization at which the alleged discriminatory action(s) took place, and describe the action(s) or practice(s) that form the basis of the complaint. It must also contain a telephone number and address where the complainant and/or his/her representative can be contacted. The receipt of the formal EEO complaint will be acknowledged in writing. The acknowledgement letter will inform the complainant, of the date on which the complaint was filed. (If the complaint is mailed, the date of filing is the postmarked date, not the date the servicing EEO Office received it. If the complaint is hand carried to the servicing EEO Office, the date of filing is the date it is received.)

Once the servicing EEO Office has acknowledged receipt of the formal EEO complaint, they will notify the EEO Counselor that the complainant has filed a formal discrimination complaint and request that the EEO Counselor's Report be provided within 15 calendar days. This report is used to help the servicing EEO Office determine whether the complaint of discrimination was filed timely and whether or not to accept it for formal EEO investigation.

If the servicing EEO Office accepts the discrimination complaint, an acceptance letter will be sent to the complainant identifying the claim(s) of discrimination to be investigated along with the case number. If the claim(s) identified by the servicing EEO Office to be investigated differ from those identified in the EEO Counselor's Report or the DLA Form 1808, the letter will explain the reasons for the difference, including whether the servicing EEO Office is dismissing a portion of the complaint. If the complainant disagrees with the way in which his/her claims have been identified, he/she may submit a statement to the servicing EEO Office concerning their articulation of his/her claim(s), which will become a part of the complaint file.

A request for an investigation is then sent to the Department of Defense (DoD), Civilian Personnel Management Service (CPMS), Investigations and Resolution Division (IRD). An investigator is assigned to conduct a thorough and impartial investigation within 180 days of the date the complaint was filed with the servicing EEO Office. The servicing EEO Office and the complainant may agree in writing to an extension of not more than 90 additional days. Though an EEO complaint may be resolved at any time during the EEO complaint process, the

investigator's focus, unlike the EEO Counselor's, is on uncovering the facts of the case that will clearly demonstrate whether or not discrimination has taken place.

**Note:** Alternative Dispute Resolution/Mediation may be requested at any time during the formal EEO complaint process.

### **The Right to Hearing**

Except in mixed cases<sup>1</sup>, the complainant has the right to request a hearing before an EEOC Administrative Judge after 180 calendar days from the filing of a formal EEO complaint or after completion of the investigation, whichever comes first. Complainants must request a hearing directly from the EEOC field office that has jurisdiction over the geographic area where the complaint arose. In the written acknowledgement of receipt of the formal EEO complaint or the acceptance letter, the servicing EEO Office will advise the complainant of the EEOC office and address where a hearing request is to be sent as well as a copy of the request being sent to the servicing EEO Office.

### **The Final Agency Decision**

If the complainant does not request a hearing before an EEOC Administrative Judge, he/she is entitled to a final decision issued by the Director, DLA, or his designee. The final decision shall consist of findings by the agency on the merits of each issue in the complaint, or, as appropriate, the rationale for dismissing any claims in the complaint and, when discrimination is found, appropriate remedies and relief in accordance with subpart E of Title 29 Code of Federal Regulations, Part 1614. The Final Agency Decision will contain notice of the right to appeal the final decision to the U. S. Equal Employment Opportunity Commission (EEOC), the right to file a civil action in federal district court, the name of the proper defendant in any such lawsuit and the applicable time limits for appeals and lawsuits.

### **The Right to Appeal**

If a complainant disagrees with DLA's dismissal, final action or Final Agency Decision, he/she has the right to appeal before the EEOC. Appeals must be filed within 30 calendar days of receipt of the dismissal, final action or Final Agency Decision.

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<sup>1</sup> A mixed case complaint is a complaint of employment discrimination filed with a Federal agency based on race, color, religion, sex, national origin, age or disability related to or stemming from an action that can be appealed to the Merit Systems Protection Board (MSPB). The complaint may contain only an allegation of employment discrimination or it may contain additional allegations that the MSPB has jurisdiction to address.

## **The Right to File a Civil Action**

The complainant has the right to file a civil action in federal district court on claims raised in the complaint process:

- A. Within 90 days of receipt of a final action on an individual or class complaint, if no appeal has been filed;
- B. After 180 days from the date of filing an individual or class complaint, if an appeal has not been filed and a final action has not been taken;
- C. Within 90 days of receipt of the EEOC final decision on appeal; and
- D. After 180 days from the date of the filing of an appeal with the EEOC, if there has been no final decision by the EEOC.

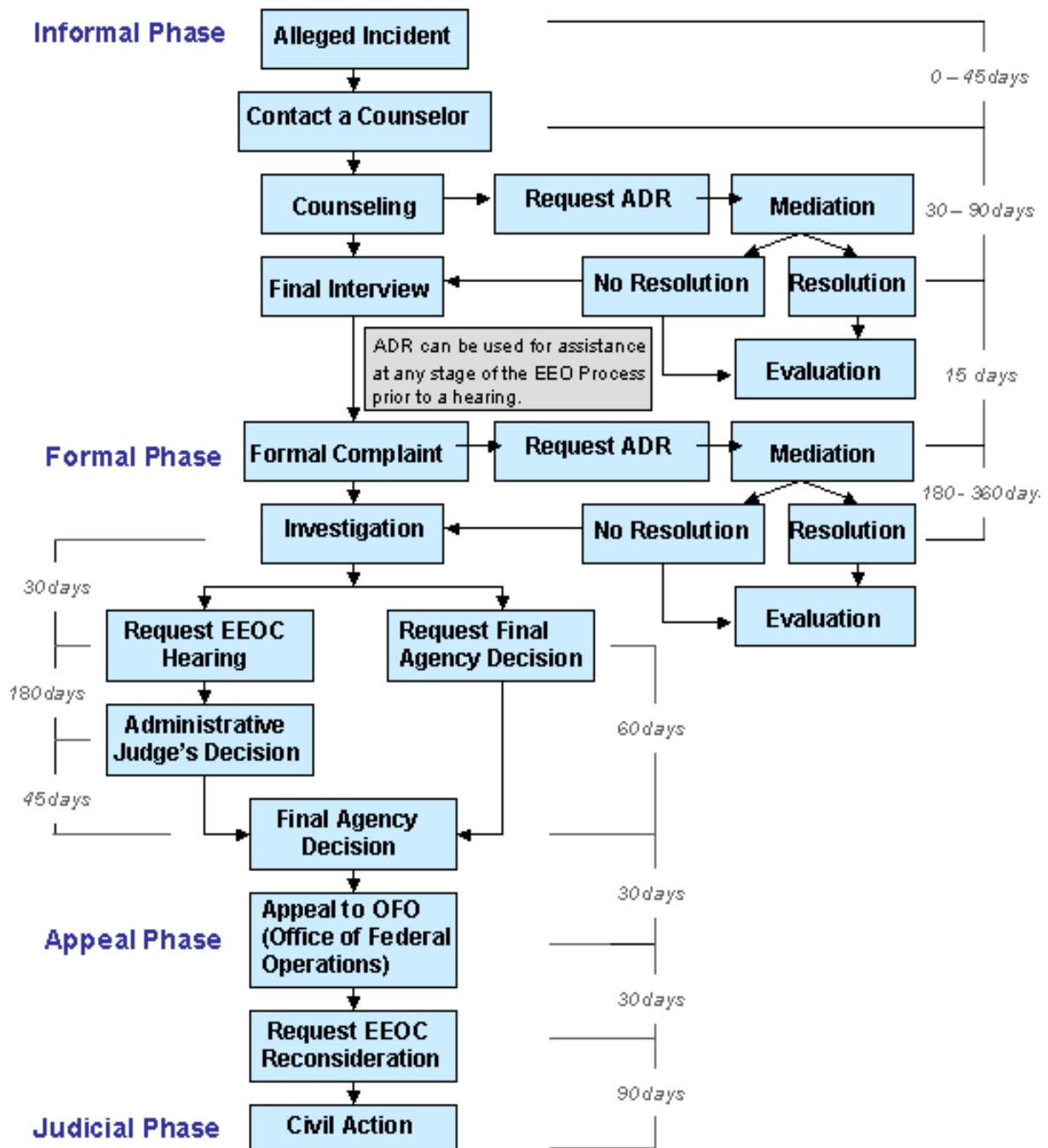
## **Class Complaints**

An individual who wishes to file a class complaint as an agent alleging discrimination based on race, color, religion, national origin, sex, age, disability, reprisal (for prior participation in the EEO process), must seek counseling and be counseled. The complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim(s) raised in an individual complaint. If the complainant moves for class certification after completing the counseling process, no additional counseling is required. An EEOC Administrative Judge will make the determination on whether or not the complaint meets the prerequisites of a class complaint.

For additional information pertaining to the EEO Complaint Process, please contact the EEO Office that supports organization or the organization at which you applied for a position with DLA. The list of DLA EEO Office follows.

DLA is an equal opportunity employer!

## Flowchart of EEO Complaint Process



## **DLA Servicing Equal Employment Opportunity Offices**

### **Defense Supply Center Columbus**

DSCC-DK  
P.O. Box 3990  
Columbus, OH 43218-3990  
(COM) 614-692-0743  
(DSN) 850-0743  
(FAX) DSN 850-4797

### **Defense Logistics Information Service**

DLIS-DK  
Hart-Dole-Inouye Federal Center  
74 Washington Avenue North  
Battle Creek, MI 49037-3084  
(COM) 269-961-4006  
DSN 661-4006  
(FAX) DSN 661-4006

### **Defense Supply Center Richmond**

DSCR-DK  
8000 Jefferson Davis Highway  
Richmond, VA 23297-5100  
(COM) 804-279-4608  
(DSN) 695-4608  
(FAX) DSN 695-3759

### **Defense Reutilization and Marketing Service**

DLIS-DK  
Hart-Dole-Inouye Federal Center  
74 Washington Avenue North  
Battle Creek, MI 49037-3092  
(COM) 269-961-4006  
DSN 661-4006  
(FAX) DSN 661-4006

### **Defense Supply Center Philadelphia**

DSCP-DK  
700 Robbins Avenue  
Philadelphia, PA 19111-5096  
(COM) (215) 737-2347  
(DSN) 444-2347  
(FAX) DSN 444-2520

### **Equal Employment Opportunity Operations Division**

DO-S  
8725 John J. Kingman Road  
Suite 1119  
Fort Belvoir, VA 22060-6221  
(COM) 703-767-6777  
(DSN) 427-6777  
(FAX) DSN 427-6141

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### **Defense Distribution Center**

DDC CE  
2001 Mission Drive, Building 404  
New Cumberland, PA 17070-5000  
(COM) 717-770-4128  
(DSN) 771-4128  
(FAX) DSN 771-8753